

Summary
Water Pollution Control Board
Indiana Government Center South
Conference Center Room A
Indianapolis, Indiana
Wednesday, September 12, 2007

1. CALL TO ORDER

Chairperson Gary Powdrill called the meeting to order at 1:30 p.m. A quorum was present.

Members present: Gary Powdrill (Chairperson); Robert Warnock; Jim Flannery; Dave Wagner; Lee Botts; Ted Alexander; Chris Crabtree (proxy for Lt. Governor); Howard Cundiff (proxy for Dr. Judith A. Monroe, IDOH); Jim Ray (proxy for Robert E. Carter, IDNR); Pam Fisher (proxy for Nathan J. Feltman, Sec. of IEDC); and Deborah Albright (board counsel).

Present for IDEM: Thomas Easterly, IDEM Commissioner; Bruno Pigott, Assistant Commissioner, Office of Water Quality (OWQ); Martha Clark Mettler, Deputy Assistant Commissioner, OWQ; and Pat Carroll, Chief, Drinking Water Branch, OWQ.

2. INTRODUCTION OF BOARD MEMBERS

Chairperson Powdrill welcomed Mr. Chris Crabtree to the board as the replacement for Mr. Steve Boyce who was the proxy for the Lieutenant Governor's Office. He then had board members to introduce themselves and their affiliations.

3. APPROVAL OF SUMMARY

Chairperson Powdrill called for the approval of the August 8, 2007, board summary. A motion was made and seconded to approve the Aug. 8, 2007, board summary.

4. REPORTS

Mr. Bruno Pigott gave briefings on agency rulemakings. The following rulemakings were: (1) Wastewater Operator Certification's second notice sent to LSA; (2) Pretreatment Streamlining is under final review; (3) Sunset (2007) Readoption sent to LSA; (4) Chloride Variance's rule language is being finalized by internal staff; and, (5) CSO Treatment Facility NPD and CSO Related Bypass NPD are in final review and afterwards will be their 45-days public notification.

Mr. Pigott discussed the status of the rulemakings listed in the OWQ Streamlined Rulemaking Schedule document. Ms. MaryAnn Stevens provided additional information regarding the status of certain rulemakings. He also explained the status of NPDES permit backlog.

Mr. Dave Wagner asked about the agency's commitment for the Sewer Ban NPD from the June 13, 2007 water board meeting. Mr. Pigott assured Mr. Wagner that the rulemaking for Sewer Ban NPD would not be forgotten.

Chairperson Powdrill mentioned receiving EPA's response letter to the letter that he sent to EPA on June 11, 2007, concerning changes in compliance dates for Concentrated Animal Feeding Operations (CAFO).

5. RULE ACTION

LSA Doc. #06-280 Arsenic Revisions to Groundwater Quality Standards

Chairman Powdrill opened the public hearing for preliminary adoption of Arsenic draft rules. Mr. Pat Carroll spoke for the agency.

Board members questioned Mr. Carroll for additional clarity on the rule change.

Public commenters were Mr. Jim Meiers, Principle Environmental Scientist, Duke Energy Waste and Remediation Management Department and Mr. Vince Griffin, Indiana State Chamber of Commerce.

Chairman Powdrill asked how a potential NPD would affect the draft rule change of numeric groundwater criterion. Ms. Mettler responded saying that the NPD would not be focused on the arsenic criterion matter, and IDEM's intent is to develop a NPD that addresses how the agency would be implementing the Groundwater Quality Standards.

Following Mr. Griffin's comments, public hearing concluded.

Board Discussion – Mr. Dave Wagner brought attention to crucial issues in Section 2 of the draft rule concerning implementing procedures and scope of its impacts. Mr. Wager thought that during the last two external arsenic workgroup meetings, IDEM had committed to develop a NPD that would address implementation issues.

A motion was made and seconded to preliminarily adopt the draft rules. With a voice vote, the board unanimously voted to preliminarily adopt the Arsenic Revisions Groundwater Quality Standards draft rules.

Thereafter, Mr. Wagner suggested that the board resolve to request IDEM to bring the NPD in final form to the board on or before final adoption of the arsenic rule. A motion was made and second for the resolution. With a voice vote, it was unanimously voted in favor of the resolution.

7. PRESENTATIONS

Ms. Martha Clark Mettler gave a PowerPoint presentation on "Implementation of Antidegradation Policies for Indiana Waters." Board members discussed the antidegradation rulemaking with Ms. Mettler.

Public commenters were: Mr. Patrick Bennett, Indiana Manufacturers Association and Mr. Glenn Pratt, Indiana Sierra Club.

Presentation ended.

8. OPEN FORUM

Mr. Glenn Pratt, concerned citizen, expressed concerns about mercury issues in Indianapolis.

Open forum ended.

9. ADJOURNMENT

Thereafter, Chairperson Powdrill adjourned the WPCB meeting at 3:00 p.m.

The next WPCB meeting is scheduled for Wednesday, October 10, 2007, Indiana Government Center South, Conference Room A at 1:30 p.m. E.D.T.

CHAIRPERSON

A court reporter recorded this meeting. A typewritten transcript of the entire meeting is on file in the Office of Water Quality, Indiana Department of Environmental Management.